

MEMORANDUM ENDORSED

October 5, 2020

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VIA EMAIL and ECF

Honorable Gregory H. Woods
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

**Re: United States of America v. Miyuki Suen
Ind. No.: 18 Cr. 827 (GHW)**

Dear Judge Woods:

On February 10, 2020, Ms. Suen was sentenced to a term of 366 days. Your Honor permitted her to voluntarily surrender on April 20, 2020. On March 26, 2020, given the ongoing serious health crisis regarding COVID-19, in conjunction with Ms. Suen's present, high-risk medical condition, I requested a ninety (90) days extension for Ms. Suen to surrender to her designated BOP facility or for us to gain a better understanding of status of the health crisis and its effects on inmates at the BOP. Your Honor granted my request and extended her surrender date until July 17, 2020. On June 30, 2020, I again, requested a 90-day extension of her surrender. Your Honor granted that request, and rescheduled her surrender date for October 16, 2020. Now, as the COVID-19 pandemic continues to dangerously linger here in New York and across the world, I again, respectfully seek an additional 90-day extension of Ms. Suen's surrender date for the sake of Ms. Suen's health, and for us to evaluate the status of COVID-19, as well as its effects on the inmates at the BOP.

As of today, COVID has infected over 35-million people.¹ The death toll because of COVID is now over 1-million worldwide.² By all accounts, there is no indication that this pandemic is slowing down. In fact, despite efforts to re-open our economy and return to a semblance of normalcy, the United States is experiencing its own surge of cases in several states raising the tally of infections (including New York City) to 7.4-million, and the death count to over 209-thousand.³

As Your Honor is aware, the CDC continues to issue guidance that individuals at higher risk of contracting COVID-19— such as adults over 60 years old and people with chronic medical conditions—to take immediate preventative actions, including avoiding crowded areas and staying home as much as possible. In particular, according to the American Diabetes Association (ADA), people with diabetes face a “higher chance of experiencing serious complications from COVID-19.”⁴ Moreover, according to the CDC,

¹ Coronavirus Map: Johns Hopkins Coronavirus Resource Center Map (October 5, 2020)

² *Id.*

³ *Id.*

⁴ American Diabetes Association Web Site, <https://www.diabetes.org/coronavirus-covid-19>

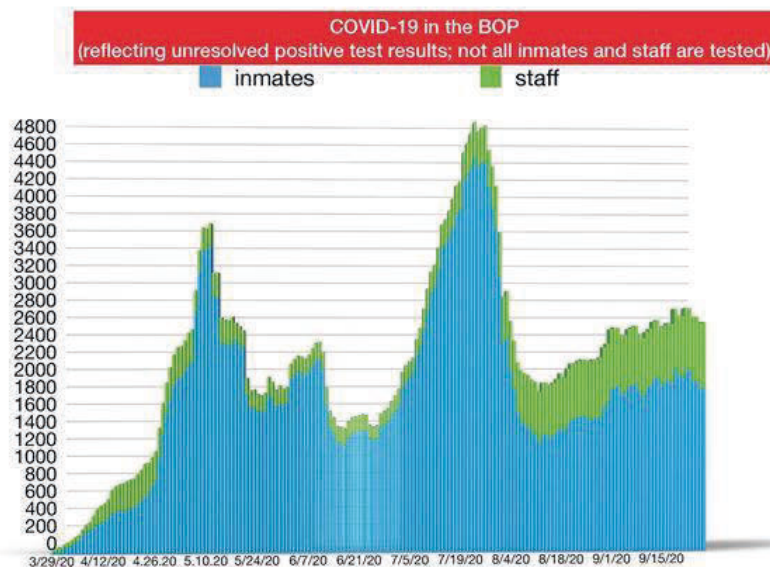


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“People with asthma may be at higher risk of getting very sick from COVID-19. COVID-19 can affect your respiratory tract (nose, throat, lungs), cause an asthma attack, and possibly lead to pneumonia and acute respiratory disease.”⁵

When it comes to prisons, one need to refer to the quote from a prison doctor in California, who wrote a letter to the editor of the LA Times (3/20/20) when the pandemic began, stating, “Prisons are petri dishes for contagious respiratory illnesses.” Generally, in the prisons, which consists of BOP facilities, inmates cycle in and out from all over the world and the country, and people who work in the facilities leave and return daily. While BOP has made efforts to deal with this health crisis, prisons remain dangerous places for infection, especially those who are vulnerable due to pre-existing conditions.

As of today, in the BOP, 1813 inmates, and 733 staff have tested positive for COVID-19.⁶ Since March of 2020, 13,192 inmates, and 1148 staff have recovered from the illness.⁷ Please see chart below reflecting unresolved positive test results:



⁵ CDC Website, https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/asthma.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fspecific-groups%2Fasthma.html

⁶ See Levittandkaiser.com

⁷ *Id.*



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The BOP designated Ms. Suen to report to Danbury SCP in Connecticut. Notably, Connecticut is near the top of the list of States with the highest death count – which is 4,513.⁸ In a lawsuit filed by inmates this past May, inmates claimed that “as of April 15, at least 44 prisoners and 39 staff members have COVID-19 or have tested positive. One inmate had died and at least two female prisoners had been hospitalized with severe symptoms.”⁹ The suit further claimed “COVID-19 infections at Danbury were in excess of 2.8% of the inmate population — among the highest concentrations of any federal prison.”¹⁰ Notably, this lawsuit was settled in July of 2020. As part of this settlement, the prison is required to “continue with a rigorous evaluation process that ranks inmates by their susceptibility to infection and associated health risks and identifies candidates for various forms of early release.”¹¹



I have spoken to both the AUSA Daniel Nessim and her PTS Officer Marlon Ovalles. Both have no objection.

Thank you for your consideration.

Application granted. The surrender date for Ms. Suen is extended to February 13, 2020. The Clerk of Court is directed to terminate the motion pending at Dkt.

No. 154.

SO ORDERED
October 10, 2020



GREGORY H. WOODS
United States District Judge

Very truly yours,

SULLIVAN | BRILL, LLP



By: Steven Brill, Esq.

⁸ Coronavirus Map: Johns Hopkins Coronavirus Resource Center Map (October 5, 2020)

⁹ <https://www.courant.com/coronavirus/hc-news-coronavirus-danbury-prison-inmates-win-covid-case-20200512-20200513-ohj5thmws5gxpfv3bkab2ddjqy-story.html>

¹⁰ *Id.*

¹¹ Hartford Courant, July 27, 2020, <https://www.courant.com/coronavirus/hc-news-coronavirus-danbury-prison-covid-settlement-20200727-20200727-lsvka64asbf53do6raygr2j7vm-story.html>

¹² <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-increased-risk.html>

